

favor of the patient. But that also means that half of the time the HMO's decisions are upheld. The important thing is to get the proper treatment for the patient in a timely way, not necessarily to end the post mortem in a court.

So I will propose that where there is a dispute on denial of care, either the patient or the HMO can take this dispute to an independent peer panel for a binding decision. If the plan follows that decision, there could not be punitive damages against the HMO, since there can be no malice if they bind themselves to the decision of an independent panel of experts.

I suspect that Aetna today wishes they had had an independent peer panel available, even with a binding decision on care, when it denied care to David Goodrich. Last week a California jury handed down a verdict with \$116 million in punitive damages to David Goodrich's wife, Teresa. If Aetna or the Goodriches had had the ability to send that denial of care to an external review, they could have avoided the courtroom. But Mr. Speaker, more importantly, David Goodrich might be alive today.

That is why my plan should be attractive to both sides of the aisle. Consumers get a reliable and quick external appeals process which will help them get the care they need. They can go to court to collect economic damages or lost wages, future medical care. But if the plan follows the external review's decision, the patient cannot sue for punitive damages.

HMOs, whose greatest fear is of a \$50 or a \$100 million punitive damage award, can shield themselves from those astronomic awards, but only if they follow the recommendations of an independent review panel, which is free to make its own decision about what care is medically necessary, as long as there is not a specific exclusion of coverage of a benefit; i.e., a plan says up front to an enrollee, we do not cover liver transplants.

I have shared this approach with a number of my colleagues as well as consumer groups, businesses, health plans. I have been encouraged by the positive responses that I have received. I think this could be the basis for the bipartisan solution to this problem.

In fact, I recently spoke with the CEO of a large Blue Cross plan who confided to me that his organization is already implementing virtually all of the recommendations of the President's Health Care Quality Advisory Commission at little or no cost, probably no premium increase.

But the one part of the health care debate that concerns him is the issue of liability. He indicated that shielding plans from punitive damages when they follow an external review body would strike an appropriate balance.

Mr. Speaker, passage of real patient protection legislation is going to require a lot of hard work, dedication, and seeking a consensus and a com-

promise. My new bill represents an effort to break through the partisan gridlock that we saw last year, and to move this issue forward and get a solution signed into law.

I hope that my colleagues will sign on as original cosponsors to the Managed Care Reform Act of 1999. If Members have any questions about parts of this bill or if they want to sign on, please give my office a phone call.

INTRODUCTION OF THE DISASTER MITIGATION ACT OF 1999

The SPEAKER pro tempore (Mr. SHIMKUS). Under a previous order of the House, the gentleman from New York (Mr. BOEHLERT) is recognized for 5 minutes.

Mr. BOEHLERT. Mr. Speaker, I am pleased to be joined by my colleague, the gentleman from Pennsylvania (Mr. BORSKI) in introducing the Disaster Mitigation Act of 1999.

This widely-supported bipartisan legislation passed the Committee on Transportation and Infrastructure last year, after months of hearings and review by the Subcommittee on Water Resources and Environment, which I am privileged to chair. Similar legislation moved through the Senate Environment and Public Works Committee. The 106th Congress should give priority consideration to the Disaster Mitigation Act.

The introduced bill, essentially unchanged from the bill the Committee on Transportation and Infrastructure reported last year, H.R. 3869, amends the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a program for predisaster mitigation, to streamline the administration of disaster relief, and to control the Federal cost of disaster assistance.

The two themes of the bill, greater emphasis on mitigation and greater program efficiency, will reduce the cost and suffering natural disasters place on communities and the Nation overall.

Improving our Nation's outdated flood plain maps is a prime example of an area where new technologies can save us millions of dollars. Computerized mapping makes eminent fiscal sense, and may ultimately save thousands of lives. Boy, that is a double-header worthy of strong, strong support.

I look forward to working with the Federal Emergency Management Agency and State and local governments and other public and private sector entities and citizens to continue the effort to make disaster mitigation a national priority.

It makes far more sense to take action prior to a disaster to minimize the negative impact of that disaster. That makes so much more sense than to do what we have been doing year after year after year: A disaster comes, there is so much suffering, our hearts are pulled at, and we obviously respond. That is what government needs to do,

but far better to minimize the impact before the disaster than to react to the disaster after it has occurred.

I am particularly pleased about the prospects of working with the chairwoman, the gentlewoman from Florida (Mrs. TILLIE FOWLER) and the ranking Democrat, the gentleman from Ohio (Mr. JIM TRAFICANT) on the new Subcommittee on Oversight, Investigations, and Emergency Management, which has jurisdiction over the Federal Emergency Management Agency.

Jurisdiction has been transferred from my subcommittee to the subcommittee of the gentlewoman from Florida (Mrs. FOWLER). I have already had extensive conversations with her. She is very much in support of this effort. I look forward to working with her. I think it is going to be a productive partnership, and it is going to be bipartisan, Mr. Speaker.

My hope is that the legislation reported by the committee last year and reintroduced today by the gentleman from Pennsylvania (Mr. BORSKI) and me will help the subcommittee as it reviews FEMA programs and considers legislation to improve the Nation's approach to disasters.

RESPONSES TO CONSTITUENTS' CONCERNS: THE READING OF THE MAILBAG

The SPEAKER pro tempore (Mr. GANSKE). Under the Speaker's announced policy of January 6, 1999, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 60 minutes.

Mr. SHIMKUS. Mr. Speaker, I want to take a little time today to talk to the people back in my home district. My office receives many, many letters from constituents on numerous subjects, and I would like to read a few of them and answer them right here on the floor of the House. Let me begin. I call this the reading of the mailbag.

Mailbag letter number one. My first letter comes from Reinhold Maschhoff of Nashville, Illinois, who wrote to me about low hog prices.

"Dear sir, I am writing you about the low price on hogs. . . . First of all, I'm 80 years of age and doing some work. My wife is very active and does a lot of volunteer work at the hospital and nursing home.

"We used to live on a farm. However, my son farms and has a family. He farms only 300 acres. The rest has to come out of livestock. . . . This has made a good living for them. Now since August he has been losing money, \$25 to \$30 a pig.

"I think of all the work he does, and then to think he is losing money, as much as \$2,500 a load. This will lead to bankruptcy. What are you doing about it? Sincerely, Reinhold Maschhoff."

My response is that the recently rock bottom hog prices are a very real problem in Illinois. Literally hundreds of farmers have contacted me about this crisis, including Ruth Rensing of New Douglas, Illinois, and Daniel Matthews of Nokomis, Illinois.